

EXHIBIT 6

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 PTO Form 1957 (Rev 10/2011)
 OMB No. 0651-0050 (Exp 07/31/2017)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87043622
LAW OFFICE ASSIGNED	LAW OFFICE 107
MARK SECTION	
MARK	GUARDIANANGEL
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi 661941746-20170306122715374161 . Response to Office Action - GUARDIANANGEL.pdf
CONVERTED PDF FILE(S) (5 pages)	\\TICRS\\EXPORT17\\IMAGEOUT17\\870\\436\\87043622\\xml1\\ROA0002.JPG \\TICRS\\EXPORT17\\IMAGEOUT17\\870\\436\\87043622\\xml1\\ROA0003.JPG \\TICRS\\EXPORT17\\IMAGEOUT17\\870\\436\\87043622\\xml1\\ROA0004.JPG \\TICRS\\EXPORT17\\IMAGEOUT17\\870\\436\\87043622\\xml1\\ROA0005.JPG \\TICRS\\EXPORT17\\IMAGEOUT17\\870\\436\\87043622\\xml1\\ROA0006.JPG
DESCRIPTION OF EVIDENCE FILE	response to Section 2(d) Refusal
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	045
DESCRIPTION	
Security consultancy; Security services, namely, providing protection for individuals or locations; Security services, namely, providing security assessments of physical locations, information systems, or working environments; Security services, namely, threat simulation vulnerability analysis and mitigation and emergency and crisis response	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/30/2011
FIRST USE IN COMMERCE DATE	At least as early as 06/30/2011
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	045
TRACKED TEXT DESCRIPTION	

Security consultancy; Security consultancy, namely, providing pre-travel risk mitigation plans and emergency action plans; Security services, namely, providing protection for individuals or locations; Security services, namely, providing international travel protection for individuals or locations; Security services, namely, providing security assessments of physical locations, information systems, or working environments; Security services, namely, providing pre-travel security assessments of physical locations, information systems, or working environments; Security services, namely, threat simulation vulnerability analysis and mitigation and emergency and crisis response; Security services, namely, threat simulation vulnerability analysis and mitigation and emergency and crisis response for individuals travelling internationally

FINAL DESCRIPTION

Security consultancy, namely, providing pre-travel risk mitigation plans and emergency action plans; Security services, namely, providing international travel protection for individuals or locations; Security services, namely, providing pre-travel security assessments of physical locations, information systems, or working environments; Security services, namely, threat simulation vulnerability analysis and mitigation and emergency and crisis response for individuals travelling internationally

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/30/2011
FIRST USE IN COMMERCE DATE	At least as early as 06/30/2011
SIGNATURE SECTION	
RESPONSE SIGNATURE	/William B. Cannon/
SIGNATORY'S NAME	William B. Cannon
SIGNATORY'S POSITION	Attorney of record, North Carolina bar member
SIGNATORY'S PHONE NUMBER	919-828-0564
DATE SIGNED	03/06/2017
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Mar 06 13:32:40 EST 2017
TEAS STAMP	USPTO/ROA-XX.XXX.XX.XX-20 170306133240904738-870436 22-580553de949ce5a2613331 4555d9040cfbea12ae439b9fd bea92ed555113554cae-N/A-N /A-20170306122715374161

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 PTO Form 1957 (Rev 10/2011)
 OMB No. 0651-0050 (Exp 07/31/2017)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **87043622** GUARDIANANGEL(Standard Characters, see) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of response to Section 2(d) Refusal has been attached.

Original PDF file:

evi_661941746-20170306122715374161 . Response to Office Action - GUARDIANANGEL.pdf

Converted PDF file(s) (5 pages)

Evidence-1
Evidence-2
Evidence-3
Evidence-4
Evidence-5

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 045 for Security consultancy; Security services, namely, providing protection for individuals or locations; Security services, namely, providing security assessments of physical locations, information systems, or working environments; Security services, namely, threat simulation vulnerability analysis and mitigation and emergency and crisis response

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 06/30/2011 and first used in commerce at least as early as 06/30/2011, and is now in use in such commerce.

Proposed:

Tracked Text Description: Security consultancy; Security consultancy, namely, providing pre-travel risk mitigation plans and emergency action plans; Security services, namely, providing protection for individuals or locations; Security services, namely, providing international travel protection for individuals or locations; Security services, namely, providing security assessments of physical locations, information systems, or working environments; Security services, namely, providing pre-travel security assessments of physical locations, information systems, or working environments; Security services, namely, threat simulation vulnerability analysis and mitigation and emergency and crisis response; Security services, namely, threat simulation vulnerability analysis and mitigation and emergency and crisis response for individuals travelling internationally

Class 045 for Security consultancy, namely, providing pre-travel risk mitigation plans and emergency action plans; Security services, namely, providing international travel protection for individuals or locations; Security services, namely, providing pre-travel security assessments of physical locations, information systems, or working environments; Security services, namely, threat simulation vulnerability analysis and mitigation and emergency and crisis response for individuals travelling internationally

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 06/30/2011 and first used in commerce at least as early as 06/30/2011, and is now in use in such commerce.

SIGNATURE(S)

Response Signature

Signature: /William B. Cannon/ Date: 03/06/2017

Signatory's Name: William B. Cannon

Signatory's Position: Attorney of record, North Carolina bar member

Signatory's Phone Number: 919-828-0564

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 87043622

Internet Transmission Date: Mon Mar 06 13:32:40 EST 2017

TEAS Stamp: USPTO/ROA-XX.XXX.XX.XX-20170306133240904

738-87043622-580553de949ce5a26133314555d

9040cfbea12ae439b9fdbea92ed555113554cae-

N/A-N/A-20170306122715374161

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Trademark Application of
TigerSwan LLC f/k/a TigerSwan Inc.

Serial No.: 87043622

Examining Attorney: Kelly Trusilo

Filed: May 19, 2016

Mark: GUARDIANANGEL

RESPONSE TO OFFICE ACTION

Dear Ms. Trusilo:

This response addresses the Office Action dated September 6, 2016 (the “Office Action”) regarding the trademark application of TigerSwan LLC f/k/a TigerSwan Inc. (“Applicant”) to register the mark GUARDIANANGEL (Serial No. 87043622) (“Applicant’s Mark”). For the reasons set forth below, and in light of the amendment requested below, Applicant respectfully disagrees with the assertion in the Office Action that Applicant’s Mark is likely to be confused with the previously registered word mark GUARDIAN ANGEL (Registration No. 4877016) (“Registrant’s Mark”).

Amendment to Service Description

Applicant offers bodyguard and other physical security services for individuals traveling to foreign countries. See Exhibit A.

To more precisely identify the services Applicant is providing, and to better illustrate the differences between Applicant’s services offered under Applicant’s Mark and Registrant’s services offered under Registrant’s Mark, Applicant is requesting that the Examining Attorney revise the description of services under Applicant’s Mark as follows:

Security consultancy, namely, providing pre-travel risk mitigation plans and emergency action plans; Security services, namely, providing international travel protection for individuals or locations; Security services, namely, providing pre-travel security assessments of physical locations, information systems, or working environments; Security services, namely, threat simulation vulnerability analysis and mitigation and emergency and crisis response for individuals travelling internationally.

Likelihood of Confusion Standard

In accordance with the standards established by *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357 (C.C.P.A. 1973) (“*du Pont*”), the Trademark Manual of Examining Procedure (“TMEP”) provides a number of factors for determining whether a likelihood of confusion exists between two marks. *See* TMEP § 1207.1. “[T]here is no mechanical test for determining likelihood of confusion and ‘each case must be decided on its own facts.’” TMEP § 1207.1 (citing *du Pont*, 476 F.2d at 1361). Each case must be decided on its own facts and any one *du Pont* factor may be dispositive in a confusion inquiry. *Champagne Louis Roederer S.A. v. Delicato Vineyards*, 47 USPQ2d 1459 (Fed. Cir. 1998).

In this case, the *du Pont* factors to be considered include the dissimilarities of the marks in their entirieties as to appearance. *See du Pont*, 476 F.2d at 1361. Additionally, the services associated with each mark must be compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §1207.01, (a)(vi). A final relevant factor in a likelihood-of-confusion analysis involves consideration of the conditions under which sales are made (e.g., whether the purchases are made by sophisticated, careful purchasers or whether they are “impulse” purchases). *See Electronic Design & Sales, Inc. v. Electronic Data Systems Corp.*, 954 F.2d 713, 718 (Fed. Cir. 1992) (no confusion between identical marks where, *inter alia*, both parties’ goods and services “are usually purchased after careful consideration by persons who are highly knowledgeable about the goods or services and their source.”). *See also* TMEP § 1207.01(d)(vii) (care in purchasing tends to minimize the likelihood of confusion).

1. Dissimilar Appearance. The appearances of Applicant’s Mark and Registrant’s Mark are materially different. Applicant’s Mark consists of the single word “GUARDIANANGEL”, a fanciful amalgamation of two (2) words not commonly presented as one (1) word in the English language. In contrast, Registrant’s Mark consists of the two (2) words “GUARDIAN ANGEL” presented conventionally with a space between them, creating a “key distinction” in the appearance and overall impression created by the marks. *See, e.g., Streetwise Maps Inc. v. VanDam Inc.*, 48 USPQ2d 1503, 1507 (2d Cir. 1998) (finding the fact that one mark appeared as one (1) word whereas the other appeared as two separate words due to its color scheme was a “key distinction” in the overall impression created by the marks that would lead consumers to believe the products originated from different sources). This difference in the appearance and overall visual impression presented by Applicant’s Mark in contrast with Registrant’s Mark indicates that consumers are not likely to confuse them.

2. Different Services. The goods and/or services associated with each mark must be compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §1207.01, (a)(vi).

The Office Action lists the pertinent goods and/or services associated with both Applicant’s Mark and Registrant’s Mark as part of the Examining Attorney’s analysis regarding likelihood of consumer confusion. The Office Action further indicates that Applicant’s services

are closely related to Registrant's services because both are security services, likely to travel through the same channels of trade to the same classes of purchasers.

The services, though, are actually distinguishable. Registrant is providing GPS tracking services for supply chain management. The "security" is in terms of peace of mind, since the goods are being tracked as they travel through commerce. All of the services covered by the registration hinge on GPS-driven asset tracking.

In contrast, Applicant is offering boots-on-the-ground physical "security," bodyguards, anti-terrorist protection, and crisis response. Customers would contact Applicant before traveling to a potentially dangerous location (such as Iraq), and Applicant would assess the likelihood of a physical threat to the individual, then develop and implement a strategy for protecting the individual from attacks, kidnapping, or other physical risks.

To ensure that the applications reflect this significant distinction in the relevant services, Applicant has requested that the Examining Attorney narrow the scope of the services covered by the Application, as described above.

3. Sophisticated, Careful Purchasers. Another relevant factor in a likelihood-of-confusion analysis involves consideration of the conditions under which sales of the products are made (e.g., whether the purchases are made by sophisticated, careful purchasers or whether they are "impulse" purchases). *See Electronic Design & Sales, Inc. v. Electronic Data Systems Corp.*, 954 F.2d 713, 718 (Fed. Cir. 1992) (no confusion between identical marks where, *inter alia*, both parties' goods and services "are usually purchased after careful consideration by persons who are highly knowledgeable about the goods or services and their source."). *See also* TMEP § 1207.01(d)(vii) (care in purchasing tends to minimize the likelihood of confusion).

Here, ordinary consumers are unlikely to purchase either Applicant's services or the services associated with Registrant's Mark. Rather, the parties' respective services will be purchased in large part by professional buyers on behalf of specialized individuals or commercial entities. Specifically, Applicant's customers (individuals or entities in the market for professional anti-terrorist protection services) and Registrant's customers (supply chain managers at major corporations) are sophisticated purchasers with knowledge of highly specialized fields who are unlikely to be confused as to the source of the parties' services. When you're hiring a bodyguard to protect you in a foreign country, or a company to track your cargo during shipping, you're going to carefully consider your options. Thus, purchases will only occur after careful consideration and after a close evaluation of the services' characteristics, cost, and effectiveness.

Put simply, given the specialized, commercial, and professional nature of the services being offered both by Applicant and by Registrant, the relevant customers will be informed, sophisticated, and deliberate, and they will have no difficulty distinguishing the source of Applicant's services offered under Applicant's Mark from the source of the services offered under Registrant's Mark.

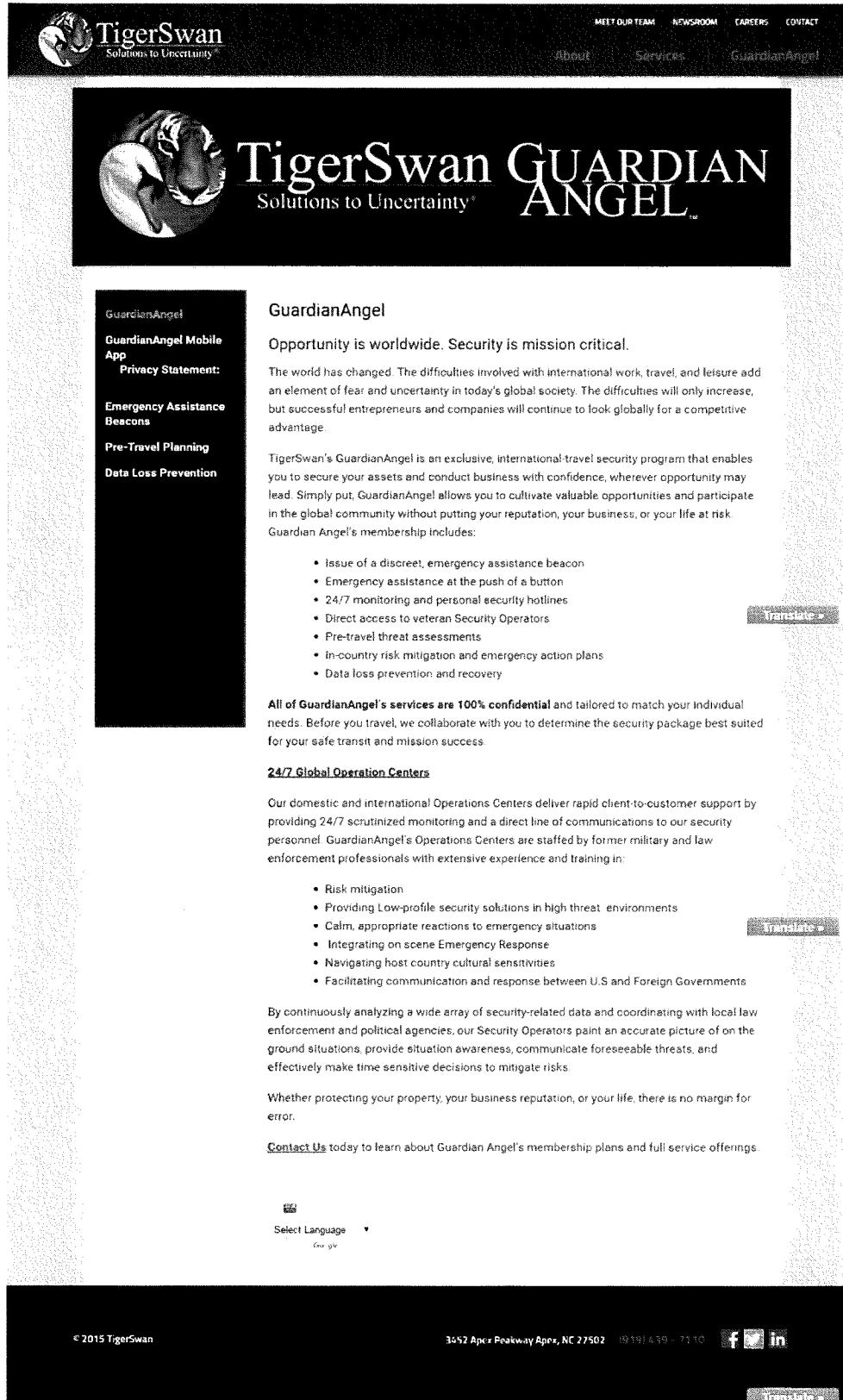
CONCLUSION

In light of the foregoing, and particularly given the narrowing of the services covered by Applicant's application to emphasize the significant difference in the relevant services, consumers are unlikely to confuse the source or origin of Applicant's Mark and Registrant's Mark.

Applicant respectfully requests that the Examining Attorney telephone William B. Cannon at (919) 835-4684 with any further questions regarding the application.

Respectfully submitted this 6th day of March, 2017.

Exhibit A



The screenshot shows the homepage of the TigerSwan Guardian Angel website. At the top, the TigerSwan logo is visible, followed by a navigation bar with links to 'MEET OUR TEAM', 'NEWSROOM', 'CAREERS', 'CONTACT', 'About', 'Services', and 'GuardianAngel'. The main header features a stylized globe graphic and the text 'TigerSwan GUARDIAN ANGEL' with the tagline 'Solutions to Uncertainty'. On the left, a sidebar for 'GuardianAngel' lists services: 'GuardianAngel Mobile App', 'Privacy Statement', 'Emergency Assistance Beacons', 'Pre-Travel Planning', and 'Data Loss Prevention'. The main content area discusses the 'Opportunity is worldwide. Security is mission critical.' It explains how the world has changed and how successful entrepreneurs and companies continue to look globally for a competitive advantage. It highlights the 'Guardian Angel's membership includes:' which includes issues of a discreet emergency assistance beacon, emergency assistance at the push of a button, 24/7 monitoring and personal security hotlines, direct access to veteran Security Operators, pre-travel threat assessments, in-country risk mitigation and emergency action plans, and data loss prevention and recovery. A 'Translators' button is present. Below this, a section on '24/7 Global Operation Centers' describes how domestic and international operations centers deliver rapid client-to-customer support by providing 24/7 monitoring and a direct line of communication to security personnel. It lists various operational tasks such as risk mitigation, providing low-profile security solutions in high threat environments, calm appropriate reactions to emergency situations, integrating on-scene emergency response, navigating host country cultural sensitivities, and facilitating communication and response between U.S. and Foreign Governments. A 'Translators' button is also present. The page concludes with a note about continuously analyzing security-related data and coordinating with local law enforcement and political agencies to provide accurate information, situation awareness, and timely decisions to mitigate risks. It ends with a call to action: 'Contact Us today to learn about Guardian Angel's membership plans and full service offerings.' At the bottom, there is a language selection dropdown, a footer with copyright information ('© 2015 TigerSwan'), a map ('3452 Apex Parkway Apex, NC 27502'), and social media links ('f', 't', 'in'). A 'Translators' button is also located at the bottom right." data-bbox="215 103 814 872"/>

GuardianAngel

Opportunity is worldwide. Security is mission critical.

The world has changed. The difficulties involved with international work, travel, and leisure add an element of fear and uncertainty in today's global society. The difficulties will only increase, but successful entrepreneurs and companies will continue to look globally for a competitive advantage.

TigerSwan's GuardianAngel is an exclusive, international-travel security program that enables you to secure your assets and conduct business with confidence, wherever opportunity may lead. Simply put, GuardianAngel allows you to cultivate valuable opportunities and participate in the global community without putting your reputation, your business, or your life at risk.

Guardian Angel's membership includes:

- Issue of a discreet, emergency assistance beacon
- Emergency assistance at the push of a button
- 24/7 monitoring and personal security hotlines
- Direct access to veteran Security Operators
- Pre-travel threat assessments
- In-country risk mitigation and emergency action plans
- Data loss prevention and recovery

All of GuardianAngel's services are 100% confidential and tailored to match your individual needs. Before you travel, we collaborate with you to determine the security package best suited for your safe transit and mission success.

24/7 Global Operation Centers

Our domestic and international Operations Centers deliver rapid client-to-customer support by providing 24/7 scrutinized monitoring and a direct line of communications to our security personnel. GuardianAngel's Operations Centers are staffed by former military and law enforcement professionals with extensive experience and training in:

- Risk mitigation
- Providing Low-profile security solutions in high threat environments
- Calm, appropriate reactions to emergency situations
- Integrating on scene Emergency Response
- Navigating host country cultural sensitivities
- Facilitating communication and response between U.S and Foreign Governments

By continuously analyzing a wide array of security-related data and coordinating with local law enforcement and political agencies, our Security Operators paint an accurate picture of on the ground situations, provide situation awareness, communicate foreseeable threats, and effectively make time sensitive decisions to mitigate risks.

Whether protecting your property, your business reputation, or your life, there is no margin for error.

[Contact Us](#) today to learn about Guardian Angel's membership plans and full service offerings.

Select Language ▾

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Translators